

State of California  
Department of  
Pesticide Regulation

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# **2005 Legislative Summary**

Mary-Ann Warmerdam, Director  
October 2005

STATE OF CALIFORNIA

Arnold Schwarzenegger  
Governor

Alan C. Lloyd, Ph.D.  
Secretary for Environmental Protection  
California Environmental Protection Agency

DEPARTMENT  
OF  
PESTICIDE REGULATION

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## 2005 Legislative Summary

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## Introduction

The Department of Pesticide Regulation (DPR) is an agency within the California Environmental Protection Agency (Cal/EPA). Cal/EPA was created by Governor Pete Wilson in 1991, to combine environmental programs previously administered by six separate State agencies. The six environmental agencies within Cal/EPA include DPR, the Department of Toxic Substances Control, the State Water Resources Control Board, the Integrated Waste Management Board, the Air Resources Board, and the Office of Environmental Health Hazard Assessment.

DPR is charged with the responsibility to administer California's statewide pesticide regulatory program, the largest of its kind in the nation. Before a pesticide can be possessed, sold, or used in California, the pesticide must be registered by DPR. Prior to registration, DPR's scientific staff review each product to ensure that it meets stringent standards, as prescribed in the laws (Food and Agricultural Code) and regulations (California Code of Regulations) governing pesticides in California. Reviews of data include, but are not limited to the chemical properties of the product, intended use patterns, potential human health effects, and environmental fate of the product. The laws and regulations governing the possession, sale, and use of pesticides are enforced by DPR in cooperation with the Office of the County Agricultural Commissioner (CAC) within each county.

This summary contains brief descriptions of the legislation followed by DPR's Office of Legislation and Regulations during the 2005 Legislative Session.

Urgency bills signed by the Governor took effect immediately upon his signature. Other legislation signed by the Governor in 2005 will take effect on January 1, 2006.

For an electronic version of this summary, please refer to DPR's Internet Home Page at the following address: <http://www.cdpr.ca.gov>. You will find this Legislative Summary report under the "Legislation" link. Limited hard copies of this summary are also available through DPR's Office of Legislation and Regulations, 1001 I Street, Sacramento, California 95814.

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## Acronyms

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
ALJ	Administrative Law Judge
APA	Administrative Procedures Act
ARB	Air Resources Board
CAC	County Agricultural Commissioner
Cal/EPA	California Environmental Protection Agency
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDHS	California Department of Health Services
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CIWMB	California Integrated Waste Management Board
DBW	Department of Boating and Waterways
DFG	Department of Fish and Game
DIR	Department of Industrial Relations
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
FAC	Food and Agricultural Code
FSA	Food Safety Account
HSC	Health and Safety Code
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SPCB	Structural Pest Control Board
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile organic compound

**[Section I--Bill Subject Index**

The Bill Subject Index section of this summary identifies legislative bills, tracked by DPR during the 2005 legislative session, containing similar subject matter.





## Administration

AB 53 (Negrete McLeod) State agency consolidation: data centers	2-Year Bill
AB 94 (Haynes) Agency fiscal reports	2-Year Bill
AB 194 (Dymally) Brown Act Violations: remedy	2-Year Bill
AB 219 (Nakanishi) State agencies: publications	2-Year Bill
AB 271 (Blakeslee) State employees: scientists	2-Year Bill
AB 277 (Mountjoy) Open meetings: closed sessions	2-Year Bill
AB 284 (Bermudez) State employees: scientists	2-Year Bill
AB 362 (Aghazarian) Administrative proceedings	2-Year Bill
AB 997 (Cogdill) State regulatory agencies: fee notifications	2-Year Bill
SB 13 (Bowen) Personal information	Chapter 241
SB 503 (Figueroa) Public records	2-Year Bill
SB 602 (Figueroa) Standardized environmental data reports	2-Year Bill
SB 796 (Figueroa) State government operations: accountability	2-Year Bill
SB 860 (Bowen) Credit card processing fees: state agents	2-Year Bill
SB 1108 (Committee on Judiciary) Maintenance of the codes	Chapter 22

## Agriculture

AB 520 (Parra) Civil administrative penalties: food and agriculture violations	Chapter 220
AB 1343 (ESTM) Irrigated agriculture operations: equipment	2-Year Bill
SB 132 (Denham) Agricultural inspection	2-Year Bill
SB 133 (Denham) Agriculture	2-Year Bill
SB 859 (Poochigian) Agricultural policy	2-Year Bill

## Air Emissions/Quality

AB 942 (Cogdill) Air quality: agricultural burning	2-Year Bill
AB 1221 (Jones) Air pollution: State Air Resources Board	Vetoed
AB 1430 (Goldberg) Air Contaminants	2-Year Bill
SB 863 (Florez) California Clean Air Bond Act	2-Year Bill

## Budget/Funding

SB 77 (Committee on Budget and Fiscal Review) 2005-06 Budget	Chapter 38
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## California Environmental Quality Act

AB 644 (Houston) CEQA: public agencies	2-Year Bill
AB 1464 (McCarthy) CEQA: environmental impact reports	2-Year Bill
SB 648 (Margett) CEQA: lead agencies: determinations	Chapter 267
SB 673 (Denham) CEQA: legislative intent	2-Year Bill
SB 785 (McClintock) CEQA: procedure	2-Year Bill
SB 993 (Ashburn) CEQA: legislative findings and declaration	2-Year Bill

## Endangered Species

AB 734 (Dymally) Endangered species: crimes	2-Year Bill
SB 242 (Margett) Endangered species	2-Year Bill

## Enforcement/Compliance

AB 528 (Frommer) Civil Actions: Public Health and Environmental Enforcement Law of 2005	2-Year Bill
AB 775 (Yee) Interpreters: prohibition on use of children	2-Year Bill
AB 1174 (Tran) State agencies: administrative hearings	2-Year Bill
AB 1327 (Tran) Hazardous materials: accidental release prevention	2-Year Bill

## Environmental Regulation

AB 1291 (Pavley) Consumer products: state-certified logo	2-Year Bill
AB 1340 (ESTM) Cal/EPA	2-Year Bill
AB 1546 (Hancock) Department of Environmental Management	2-Year Bill
AB 1701 (Bass) Birth Defects Monitoring Program	2-Year Bill
SB 563 (Alarcon) California certified green business program	2-Year Bill
SB 838 (Escutia) Environmental Cleanup and Pollution Control Technology Registry	2-Year Bill

## Environmental Justice

AB 841 (Arambula) Air quality: San Joaquin Valley Unified Air Pollution Control District: particulate monitoring	Chapter 569
AB 1430 (Goldberg) Air contaminants	2-Year Bill
SB 870 (Escutia) Air quality: violations	2-Year Bill

## Green Buildings

AB 701 (Nava) State buildings: energy and design criteria	2-Year Bill
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## Greenhouse Gases

AB 1365 (Ruskin) Greenhouse gas emission levels	2-Year Bill
SCR 34 (Kehoe) Climate change	2-Year Bill

## Pesticides

AB 87 (Bermudez) Trapping licenses: exemptions	2-Year Bill
AB 1011 (Matthews) Pesticide Brokers/Letter of Authorization	Chapter 612
AB 1059 (Matthews) Pesticide Registration	2-Year Bill
AB 1263 (Yee) Barbering and cosmetology: sanitizers	Vetoed
AB 1684 (Klehs) Pesticides: assessments	2-Year Bill
SB 455 (Escutia) Pest control: violations	Vetoed

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SB 509 (Florez) Pesticide: notification	2-Year Bill
SB 879 (Escutia) Pest control: violations	2-Year Bill

### Pests

SB 134 (Denham) Plant quarantine and pest control	2-Year Bill
SB 332 (Battin) Pest control	2-Year Bill
SB 502 (Kehoe) Weed and vegetation management	Chapter 260
SB 872 (Denham) Vertebrate pest control research	Chapter 176

### Schools

AB 264 (Chan) Schools: asthma management	2-Year Bill
AB 315 (Hancock) School facilities: energy efficiency	2-Year Bill
AB 405 (Montanez) Schools: pesticide use	Chapter 566
AB 1721 (Pavley) Environmental education	Chapter 581

### Structural Pest Control

AB 552 (La Suer) Structural pest control	2-Year Bill
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### Toxics

AB 289 (Chan) Chemicals: high-volume testing methods	2-Year Bill
AB 990 (Lieber) Toxic substances: California Safer Chemical Substitutes Act of 2005	2-Year Bill
SB 490 (Lowenthal) Toxic substances list: Netherlands	2-Year Bill
SB 600 (Ortiz) Biomonitoring	Vetoed

### Vector Control

ACR 32 (Arambula) West Nile Virus	2-Year Bill
SB 295 (Chesbro) Pierce's Disease Control Program	Chapter 12
SB 923 (Florez) West Nile Virus	2-Year Bill

### Water Quality

AB 579 (Emmerson) Groundwater	2-Year Bill
AB 474 (Runner) Water quality control: state policy	2-Year Bill
AB 798 (Wolk) Water Quality, Watershed Protection, and Flood Management Bond Act of 2006	2-Year Bill
SB 623 (Aanestad) Water quality: civil penalties	2-Year Bill
SB 646 (Kuehl) Water discharge requirements: waivers	2-Year Bill
SB 729 (Lowenthal) water quality	2-year Bill
SB 773 (Cox) Groundwater aquifers: injection wells	2-Year Bill
SB 820 (Kuehl) Water	Vetoed
SB 1070 (Kehoe) Water quality Information	2-Year Bill



**Section II – Bills by Author**



## ***Assembly***

### **Aghazarian**

AB 362	Administrative proceedings	2-Year Bill
AB 1727	SWRCB/RWQCBs	2-Year Bill
ACR 79	Fee Payers Bill of Rights	2-Year Bill

### **Arambula**

AB 237	Farmworker housing	2-Year Bill
AB 485	Master Business License Center	2-Year Bill
AB 841	Air quality: particulate monitoring	Chapter 569

### **Baca**

AB 492	Hazardous materials: pechlorate	2-Year Bill
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### **Bass**

AB 861	Professions and vocations: licensure	2-Year Bill
AB 1701	Birth Defects Monitoring Program	2-Year Bill

### **Berg**

AB 848	Ocean ecosystem conservation and management	2-Year Bill
AB 1414	Children's Environmental Health Center	2-Year Bill
AB 1506	Rural health	2-Year Bill

### **Bermudez**

AB 87	Trapping licenses: exemptions	2-Year Bill
AB 284	State employees: professional scientists	2-Year Bill
AB 727	Solid waste: integrated waste management	2-Year Bill

### **Blakeslee**

AB 271	State employees: scientists	2-Year Bill
AB 1271	Water: Best Management Practices	2-Year Bill

### **Calderon**

AB 679	Air resources	2-Year Bill
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### **Canciamilla**



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AB 518 AB 725	State Budget: Reports Appropriations	Vetoed 2-Year Bill
<b>Chan</b>		
AB 264	Schools: asthma management	2-Year Bill
AB 289	Chemicals: high-volume testing methods	2-Year Bill
AB 334	Instructional school garden program	2-Year Bill
<b>Cogdill</b>		
AB 375	CEQA: exemptions	2-Year Bill
AB 942	Air quality: agricultural burning	2-Year Bill
AB 997	State regulatory agencies: fee notification	2-Year Bill
<b>Cohn</b>		
AB 105	Food labeling: California Choice Seal Program	2-Year Bill
<b>Committee on Environmental Safety and Toxic Materials</b>		
AB 1340	Cal/EPA	2-Year Bill
AB 1343	Irrigated agriculture operations	2-Year Bill
<b>Committee on Labor and Employment</b>		
AB 1313	Agricultural employees	2-Year Bill
<b>Daucher</b>		
AB 227	Workers' compensation	2-Year Bill
AB 1453	Adjudication of rights to produce Groundwater	2-Year Bill
<b>De La Torre</b>		
AB 755	Piece-rate agricultural workers	Vetoed
<b>Dymally</b>		
AB 124	Civil service: equal opportunity	Chapter 644

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AB 194	Brown Act violations	2-Year Bill
AB 734	Endangered species: crimes	2-Year Bill

### **Emerson**

AB 579	Groundwater	2-Year Bill
AB 1519	Government records: destruction	2-Year Bill

### **Frommer**

AB 528	Public Health and Environmental Enforcement Law of 2005	2-Year Bill
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### **Garcia**

AB 569	Pupil nutrition: food service	2-Year Bill
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### **Goldberg**

AB 1430	Air Contaminants	2-Year Bill
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### **Gordon**

AB 400	CEQA	2-Year Bill
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### **Harmon**

AB 337	Commission on Uniform State Laws	2-Year Bill
AB 1144	Playground safety standards	2-Year Bill

### **Horton, Jerome**

AB 1231	Air Pollution Accountability Act of 2005	2-Year Bill
AB 1232	Hazardous substances: cleanup	2-Year Bill
AB 1302	State agency regulations	2-Year Bill

### **Houston**

AB 645	California Coastal Sanctuary: wells	2-Year Bill
AB 703	Recycled water	2-Year Bill

### **Jones**

AB 1220	Air quality: portable equipment	2-Year Bill
AB 1221	Air pollution: Air Resources Board	Vetoed
AB 1387	CEQA: residential infill projects	2-Year Bill

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### **La Malfa**

AB 353	Public resources	2-Year Bill
AB 500	State mandates	2-Year Bill
AB 501	Water supply assessments	2-Year Bill
AB 1290	Water use fees	2-Year Bill
AB 1730	Pesticide Registration	2-Year Bill

### **La Suer**

AB 552	Structural Pest Control	2-Year Bill
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### **Laird**

AB 1200	Sacramento-San Joaquin Delta	Chapter 573
AB 1466	Tamarisk plant control	Vetoed

### **Lieber**

AB 990	Calif. Safer Chemical Substitutes Act	2-Year Bill
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### **Klehs**

AB 1684	Pesticides: assessments	2-Year Bill
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### **Koretz**

AB 762	Animal groomers	2-Year Bill
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### **Matthews**

AB 1011	Pesticide brokers	Chapter 612
AB 1059	Pesticide registration	2-Year Bill

### **Maze**

AB 24	Mountain lions	2-Year Bill
AB 85	Citrus fruit crops	Chapter 180

### **McCarthy**

AB 1464	CEQA: review	2-Year Bill
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### **Montanez**

AB 399	Recycling	Vetoed
AB 405	Pesticides: school use	Chapter 566

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AB 495	Waste discharge requirements	Chapter 145
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### **Nava**

AB 826	Calif. Farm to School Child Nutrition Improvement Program	Vetoed
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### **Negrete McLeod**

AB 622	Public schools: pupil nutrition	2-Year Bill
AB 1588	Administrative agencies: regulations	2-Year Bill

### **Parra**

AB 340	Drinking water: arsenic levels	2-Year Bill
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### **Pavley**

AB 32	Greenhouse gas emissions	2-Year Bill
AB 1269	Clean air, clean water, coastal Protection, and Parks Act of 2007	2-Year Bill
AB 1291	Consumer products: state-certified logo	2-Year Bill

### **Ruskin**

AB 1317	Environmental laboratories	Chapter 406
AB 1365	Greenhouse gas emission levels	2-Year Bill

### **Saldana**

AB 1168	Drinking water standards	Vetoed
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### **Salinas**

AB 1508	Seed	2-Year Bill
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### **Tran**

AB 1327	Hazardous materials: accidental Release prevention program	2-Year Bill
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### **Walters**

AB 1024	Abolition of Boards and Committees	2-Year Bill
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### **Wolk**

AB 577	Invasive species	2-Year Bill
AB 797	Sacramento-San Joaquin Delta	2-Year Bill

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AB 798	Water Quality	2-Year Bill
AB 1244	CALFED Bay-Delta Program	2-Year Bill

### **Yee**

AB 1263	Barbering and cosmetology: equipment	Vetoed
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## **Senate**

### **Aanestad**

SB 623	Water quality: civil penalties	2-Year Bill
SB 873	State Water Plan	2-Year Bill

### **Ackerman**

SB 211	Joint powers agreements: public agencies	2-Year Bill
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### **Alarcon**

SB 57	Fine and Forfeitures	Vetoed
SB 554	Local agency financing	2-Year Bill
SB 563	California certified green business program	2-Year Bill

### **Ashburn**

SB 976	Air quality: stationary sources	2-Year Bill
SB 993	CEQA: legislative findings	2-Year Bill

### **Battin**

SB 332	Pest Control	2-Year Bill
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### **Bowen**

SB 13	Personal information	Chapter 241
SB 860	Credit card processing fees: state agents	2-Year Bill

### **Chesbro**

SB 153	California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006	2-Year Bill
SB 154	Public employees' health benefits	2-Year Bill
SB 295	Pierce's Disease Control Program	Chapter 12

### **Committee on Budget**

SB 77	2005-05 Budget	Chapter 38
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**Committee on  
Environmental  
Quality**

SB 974	CEQA: exemption	2-Year Bill
SB 1106	Public contracts: recycled goods	Chapter 590

**Committee on  
Natural Resources  
And Water**

SB 1110	Public resources	Chapter 383
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**Cox**

SB 773	Groundwater aquifers: injection wells	2-Year Bill
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**Denham**

SB 132	Agricultural inspection	2-Year Bill
SB 134	Plant quarantine and pest control	2-Year Bill
SB 673	CEQA: housing projects	2-Year Bill
SB 872	Vertebrate pest control research	Chapter 176
SB 1041	District agricultural associations	2-Year Bill

**Ducheny**

SB 325	County reimbursement	2-Year Bill
SB 772	Environment: border region	Chapter 214
SB 922	Public records: Native Americans	Chapter 670

**Dutton**

SB 836	Department of Consumer Affairs	2-Year Bill
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**Escutia**

SB 12	School food nutrition	Chapter 235
SB 455	Pest control violations	Vetoed
SB 471	Hazardous materials release	Chapter 586
SB 838	Environmental Cleanup Registry	2-Year Bill
SB 849	Environmental health data tracking	2-Year Bill
SB 879	Pest control: violations	2-Year Bill

**Figueroa**

SB 229	Professions and Vocations	Chapter 658
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SB 602	Standardized environmental data	2-Year Bill
<b>Florez</b>		
SB 31	Water fees	2-Year Bill
SB 509	Pesticide: notification	2-Year Bill
SB 863	California Clean Air Bond Act	2-Year Bill
SB 923	West Nile Virus	2-Year Bill
<b>Hollingsworth</b>		
SB 427	CEQA: exemption	2-Year Bill
<b>Kehoe</b>		
SB 44	General plans: air quality element	2-Year Bill
SB 502	Weed and vegetation management	Chapter 260
SB 695	Conservation easement registry	Vetoed
SB 1067	Drinking water	Vetoed
SB 1070	Water quality information	2-Year Bill
<b>Kuehl</b>		
SB 646	Water Discharge requirements	2-Year Bill
SB 820	Water	Vetoed
SB 857	Fish passages	Chapter 589
<b>Lowenthal</b>		
SB 467	Carl Moyer Memorial Air Quality Standards Attainment Program	Chapter 209
SB 490	Toxic substances list: Netherlands	2-Year Bill
<b>Machado</b>		
SB 113	Calif. Bay-Delta Authority Act	2-Year Bill
SB 200	Sacramento-San Joaquin Delta Conservancy Program	2-Year Bill
SB 350	San Joaquin River Restoration and Water Management	2-Year Bill
<b>Maldonado</b>		
SB 281	California Fresh Start Pilot Program	Chapter 236
SB 284	Specialty crop funding	2-Year Bill



**Margett**

SB 242	Endangered Species	2-Year Bill
SB 648	CEQA: lead agencies: determinations	Chapter 267

**McClintock**

SB 785	CEQA: procedure	2-Year Bill
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**Perata**

SB 832	CEQA: infill development	2-Year Bill
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**Runner**

SB 474	Water quality control: state policy	2-Year Bill
SB 475	Air pollution: station sources	2-Year Bill

**Simitian**

SB 369	Ecological labeling	2-Year Bill
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### **Section III – 2005 Chaptered Legislation: Summary**

The following information summarizes the content of legislative bills which were signed by Governor Schwarzenegger, and chaptered by the Secretary of State during the 2005 legislative session, which impact, or have potential to impact California's pesticide regulatory program.



**AB 405 (Montanez) Pesticides: school use**

Chapter 566, Statutes of 2005

This bill prohibits the use on a school site of certain pesticide products approved by the Department of Pesticide Regulation (DPR) for use in the State of California under a conditional registration, interim registration, or an experimental use permit (EUP), and approved by the U.S. Environmental Protection Agency (U.S. EPA) for emergency registration. This bill also prohibits the use on a school site of any pesticide that DPR cancels, suspends, or phases out. Vendors and manufacturers of pesticides are also prohibited from furnishing to a school district any of the above types of pesticide products by sale or gift.

**AB 1011 (Matthews) Pesticide Brokers/Letter of Authorization**

Chapter 612, Statutes of 2005

This bill addresses a loophole in existing law pertaining to the collection of the pesticide mill assessment. The bill expands the existing pesticide broker licensing requirements for brokers of agricultural use pesticides to include entities selling nonagricultural use pesticides.

In addition, the bill eliminates the Department of Pesticide Regulation's (DPR) responsibility to track and manage the ownership of scientific data submitted to support pesticide product registrations. The bill creates a California data protection and cost-sharing system that is similar to the federal data protection and cost-sharing system.

**SB 13 (Bowen) Personal Information**

Chapter 241, Statutes of 2005

This bill amends the Information Practices Act to add conditions that must be met before the State may release individually identified data for use in research.

**SB 77 (Committee on Budget and Fiscal Review) 2005-06 State Budget Act**

Chapter 38, Statutes of 2005

This bill made appropriations for support of state government for the 2005-06 fiscal year. This bill contains other related provisions.



### **Section III - Major Chaptered Bills: Text**

Several bills chaptered during the 2005 legislative session will have direct impact on California's pesticide regulatory program. The complete chaptered text of those bills are included on the following pages.



**BILL NUMBER: AB 405    CHAPTERED**  
**BILL TEXT**

CHAPTER 566

FILED WITH SECRETARY OF STATE OCTOBER 6, 2005

APPROVED BY GOVERNOR OCTOBER 6, 2005

PASSED THE ASSEMBLY SEPTEMBER 7, 2005

PASSED THE SENATE SEPTEMBER 6, 2005

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE JULY 14, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

AMENDED IN ASSEMBLY MARCH 29, 2005

INTRODUCED BY Assembly Member Montanez

FEBRUARY 15, 2005

An act to add Section 17610.1 to the Education Code, relating to  
schoolsites.

LEGISLATIVE COUNSEL'S DIGEST

AB 405, Montanez Schools: pesticide use.

Existing law, the Healthy Schools Act of 2000, provides that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and requires that the state take the necessary steps, pursuant to specified provisions, to facilitate the adoption of effective pest management practices at schoolsites. The existing act requires each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and to make the records available to the public upon request. The existing act requires, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use. The existing act requires that the recipients be afforded the opportunity to register with the school district to receive information regarding individual pesticide applications. The existing act requires the school district designee to post warning signs prior to application of pesticides at a schoolsite.

This bill would prohibit, in specified circumstances, the use on a schoolsite of specified pesticides that have been granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation, or a pesticide that is subject to an experimental registration issued by the United States Environmental Protection Agency. The bill would prohibit the use on a schoolsite of a pesticide if the Department of Pesticide Regulation cancels or suspends registration, or requires phaseout of use, of the pesticide. The bill would also prohibit a vendor or manufacturer from making those pesticides available to a school district either by sale or by gift.



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The maintenance of a safe, clean, healthy environment for pupils is essential to learning and is a goal of the state.

(b) The use of toxic chemicals to control pests and weeds may itself threaten pupil health and ability.

(c) The National Education Association and numerous other national and local public interest organizations support the reduction or elimination of pesticide use in schools.

(d) Pesticides contain toxic substances, many of which have a detrimental effect on human health and the environment and, in particular, have a developmental effect on children. Children are more susceptible to hazardous impacts from pesticides than are adults.

(e) Information regarding the utilization of pesticides in schools that have a conditional registration or an experimental use permit is not maintained in a manner that is useful to the public, making it difficult to assess and address the potential health and environmental impact of their use in schools.

(f) Historically, pesticide products that have conditional registration or experimental use permits are sold and used for years without completing outstanding data requirements. This significant flaw can allow for chemicals with incomplete databases to be used in schools, increasing undue exposure potential to pupils.

(g) Schools regularly endeavor to control and eliminate recognized and suspected hazards, including nonagricultural pesticides, as an integral part of school safety programs in order to protect the health and well-being of pupils and school staff.

SEC. 2. Section 17610.1 is added to the Education Code, to read:

17610.1. (a) (1) The use of a pesticide on a schoolsite is prohibited if that pesticide is granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation, or if the pesticide is subject to an experimental registration issued by the United States Environmental Protection Agency, and either of the following is applicable:

(A) The pesticide contains a new active ingredient.

(B) The pesticide is for a new use. This paragraph does not apply to a conditionally registered pesticide that is approved for other uses that has fulfilled all registration requirements that relate to human health, including, but not limited to, the completion of mandatory health effect studies pursuant to the Birth Defect Prevention Act of 1984 (Art. 14 (commencing with Sec. 13121), Ch. 2, Div. 7, F.& A.C.). The requirements of this section are not intended to impose any new labeling requirements.

(2) The use of a pesticide on a schoolsite is prohibited if the Department of Pesticide Regulation cancels or suspends registration, or requires phase out of use, of that pesticide.

(b) Vendors or manufacturers of pesticides that are prohibited for use on a schoolsite pursuant to subdivision (a) are prohibited from furnishing those pesticides to school districts either by sale or by gift.

(c) This section does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.





**BILL NUMBER: AB 1011 CHAPTERED**  
**BILL TEXT**

CHAPTER 612

FILED WITH SECRETARY OF STATE OCTOBER 6, 2005

APPROVED BY GOVERNOR OCTOBER 6, 2005

PASSED THE SENATE SEPTEMBER 8, 2005

PASSED THE ASSEMBLY SEPTEMBER 8, 2005

AMENDED IN SENATE SEPTEMBER 7, 2005

AMENDED IN SENATE SEPTEMBER 2, 2005

AMENDED IN SENATE AUGUST 29, 2005

AMENDED IN SENATE AUGUST 23, 2005

AMENDED IN SENATE JUNE 23, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

INTRODUCED BY Assembly Member Matthews

FEBRUARY 22, 2005

An act to amend Sections 12400, 12401, 12406, and 12811.5 of, to add Sections 12836.5 and 12836.6 to, and to repeal Section 12404 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1011, Matthews Pesticide brokers.

Existing law generally regulates pesticides and provides that it is unlawful for any person, other than the registrant of a pesticide or a licensed pest control dealer to sell or distribute registered pesticide products that are labeled for agricultural use, unless he or she is a licensed pesticide broker. However this does not apply to sellers or distributors of pesticides that are labeled only for nonagricultural uses.

This bill would remove provisions specifying that these provisions do not apply to persons who operate as sellers or distributors of pesticides that are labeled only for nonagricultural uses. Because this bill would require additional persons to be licensed, it would expand the definition of a crime and impose a state-mandated local program.

This bill would also require pesticide retailers to maintain records that show the names and contact information of their suppliers, as specified.

Existing law requires that an application for a pesticide broker license be accompanied by a fee and provides a penalty for delayed payment.

This bill would remove those provisions calling for payment of a fee.

Existing law requires licensed pesticide brokers to maintain business records, as specified, that must be available for audit by the Director of Pesticide Regulation or county agricultural commissioner.

This bill would remove provisions requiring these records to be available to the county agricultural commissioner.

Existing law requires every manufacturer of, importer of, or dealer in any pesticide to

obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale. Existing law provides that data previously submitted to the Director of Pesticide Regulation or to the Administrator of the United States Environmental Protection Agency to support an application for the registration of a pesticide shall not be used without permission to support an application by another person.

This bill would repeal these provisions and instead provide that the director may rely upon any evaluations of previously submitted data with respect to an application for registration, an amendment to a registration, or to maintain a registration if certain criteria are met including that the applicant either obtain written permission from the owner to rely on the data or irrevocably offer to pay the owner a share of the cost of producing the data, as specified. This bill would provide that the specific terms and amount of payment shall be fixed by agreement between the applicant and the owner but shall not delay approval of the applicant's application. This bill would provide that if agreement cannot be reached by the parties, either party may initiate a proceeding to determine the amount due, as specified. The bill would require the department to make available to the public domain its index of data submitted in support of registration applications, the ownership of that data, and the date it was submitted to California. The bill would require the director, with the assistance of the Legislative Analyst, to conduct a study to consider the consequences of data-sharing agreements required by the bill, with a report to the Legislature by December 31, 2008. This bill would provide that if the owner cannot be identified, the applicant will be absolved of his or her obligation to pay if the owner does not identify himself or herself within 12 months after registration of the pesticide product.

This bill would also state legislative intent that the department shall not be involved in resolving issues between applicants and owners over financial obligations arising from data ownership. The bill would require the director to promulgate emergency regulations to govern those proceedings.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature that the Department of Pesticide Regulation not be responsible for managing and resolving financial obligations among registrants regarding data ownership, but should limit its registration activities to evaluating whether pesticide products should be registered under current department requirements and to endeavoring to accept applications for registration of new pesticide products containing new active ingredients concurrently with the applicant's submission to the U.S. Environmental Protection Agency. Disputes among applicants and data owners related to data ownership and cost sharing should be resolved by resort to a private proceeding. The Department of Pesticide Regulation shall not be involved in resolving issues between applicants and data owners over

financial obligations arising from data ownership.

SEC. 2. Section 12400 of the Food and Agricultural Code is amended to read:

12400. It is unlawful for any person, other than the registrant or pest control dealer licensed pursuant to Section 12107, to sell, offer to sell, or distribute into this state, or bring into the state for sale, any pesticide products that have been registered by the director unless the person is licensed by the director as a pesticide broker.

SEC. 3. Section 12401 of the Food and Agricultural Code is amended to read:

12401. An application for a pesticide broker license, or renewal of a license, shall be in the form prescribed by the director. Each application for a license, or license renewal, shall state the name and address of the applicant, and any other information specified on the application or required by the director.

SEC. 4. Section 12404 of the Food and Agricultural Code is repealed.

SEC. 5. Section 12406 of the Food and Agricultural Code is amended to read:

12406. (a) Each licensed pesticide broker, or person who is required to be licensed as a pesticide broker pursuant to Section 12400, shall maintain at its principal place of business the records of its purchases subject to mill assessments, sales, and distributions of pesticides into or within this state, including those of its branch locations, for four years. These records shall include copies of invoices showing payment of the mill assessment. The records shall be available for audit by the director.

(b) Each licensed pesticide broker, or person who is required to be licensed as a pesticide broker pursuant to Section 12400, shall report quarterly to the director the total dollars of sales and total pounds or gallons sold into or within this state of each pesticide sold and subject to Sections 12841 and 12841.1. The quarterly report shall be in the form prescribed by the director and shall include information from the broker's licensed branch locations, if any, and any other information specified on the form or required by the director. The report shall include a certification, under penalty of perjury, that the information contained in the report is true and correct. The report shall accompany payment of assessments required by Sections 12841 and 12841.1.

(c) Pesticide retailers shall maintain records that show the names and contact information of their suppliers of pesticide in the current year. These records shall be available for audit by the director.

SEC. 6. Section 12811.5 of the Food and Agricultural Code is amended to read:

12811.5. The director may rely upon any evaluations of previously submitted data to determine whether to accept an application for registration of a new pesticide product, an amendment to a registered pesticide product, or to maintain the registration of a pesticide product regardless of the ownership of the data previously evaluated. However, effective January 1, 2006, applicants will be subject to the following provisions:

(a) If an applicant for registration of a pesticide product, or an amendment of a registered pesticide product, including a registrant that desires to maintain its registration of a pesticide product after the director makes a formal re-evaluation request for additional data, does not submit its own data to fulfill a current data requirement imposed by the director and relies upon data that the applicant does

not own or have written permission to rely upon that was submitted to the director by another entity after January 1, 1991, and meets the three criteria set forth in this subdivision, the applicant must either (i) obtain written permission from the data owner to rely on the data, (ii) formulate or obtain its product from a source that has data authorization from the data owner, or a source that complies with subdivision (c), or (iii) if the data meets the criteria set forth in paragraphs (1), (2), and (3), irrevocably offer to pay the data owner a share of the cost of producing the data and comply with the provisions of subdivision (d). The director may rely upon data submitted prior to January 1, 1991, or that does not meet the criteria set forth in paragraphs (1), (2), and (3) to support any application or comply with any formal re-evaluation request for additional data, without permission from the data owner. An offer to pay, and a payment pursuant to that offer, shall only be required as to data not submitted by the applicant that meets the criteria set forth in paragraphs (1), (2), and (3). To be eligible for cost sharing pursuant to this section, the data must meet all of the following requirements:

(1) The data was required by the director in order to obtain, amend, or maintain the data owner's California registration or registrations for uses covered by the application, amendment, or formal re-evaluation request for additional data.

(2) There has been no arbitration award, data compensation, or data cost-sharing agreement pertaining to data supporting the product at the federal level pursuant to Section 3(c)(1) (F)(iii) or 3(c)(2) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a)(FIFRA), or, if an award or agreement exists, the use of data in California was excluded from compensation or cost sharing on its face.

(3) The data that fulfills a current requirement was submitted to the U.S. Environmental Protection Agency or the department no more than 15 years prior to the date of the applicant's California registration, application, or amendment or the formal re-evaluation request for additional data to which the registrant's reliance responds, provided that as to data submitted to the department as of August 1, 2005, in support of the first registration of a product, the applicable period shall be 17 years from the date of submission to the U.S. Environmental Protection Agency.

(b) If the director previously imposed a specific documented data requirement after January 1, 1991, to obtain, amend, or maintain the California registration of a pesticide product substantially similar to the applicant's product and that data requirement is not currently imposed in California for registration, amendment, or maintenance of the applicant's product, the applicant is further obligated to submit data to meet the requirement, obtain written permission from an owner of the data to rely upon the data, formulate or obtain its product from a source that has authorization from the data owner to rely upon the data or from a source that complies with subdivision (c), or, if the data meets the criteria set forth in paragraphs (1), (2), and (3), irrevocably offer to pay the data owner a share in the cost of producing the data and comply with the provisions of subdivision (c). An offer to pay, and a payment pursuant to that offer, shall only be required as to data not submitted by the applicant that meets the criteria set forth in paragraphs (1), (2), and (3). To be eligible for cost sharing pursuant to this section, the data must meet all of the following requirements:

(1) The data met a specific, documented requirement of the director to obtain, amend, or maintain the California registration of the data owner's pesticide product for a use covered by the applicant's application or amendment.

(2) There has been no arbitration award, data compensation, or data cost-sharing



agreement pertaining to data supporting the product at the federal level pursuant to Section 3(c)(1)(F)(iii) or 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a), or, if an award or agreement exists, the use of the data in California was excluded from compensation or cost sharing on its face.

(3) The data was submitted to the U.S. Environmental Protection Agency or Department of Pesticide Regulation by the data owner after January 1, 1991, and no more than 15 years prior to the date of the applicant's California application for registration or amendment or the response to a formal specific document data requirement to which the registrant's reliance responds, provided that as to data submitted to the department as of August 1, 2005, in support of the first registration of a product, the applicable period shall be 17 years from the date of submission to the U.S. Environmental Protection Agency.

(c) An applicant may formulate its product from a source that does not have data authorization provided that source has submitted data to support the product or makes or has made an irrevocable offer to pay the data owner a share of the cost of producing the data required pursuant to subdivision (a) or (b) for the applicant's product and complies with or has made payment in accordance with the provisions of subdivision (d). In the event that the source has already reached a data compensation or cost-sharing agreement or there has been an arbitration award under FIFRA that excludes the right to rely on the data to satisfy the California requirement on its face, the source must make or have made a new irrevocable offer to pay a share of the cost of producing that data to support the applicant's product in California and comply with the provisions of subdivision (d).

(d) If an applicant is required to offer to pay a share in the cost of producing the data pursuant to subdivision (a) or (b), or if a source of product makes an offer pursuant to subdivision (c), the applicant or source must submit to the data owner upon application to the department an irrevocable offer to pay the data owner a share in the cost of producing the data and to comply with regulations promulgated under this subdivision to determine the amount and terms, if the parties cannot agree. If a data owner for which cost sharing is required under subdivision (a) or (b) cannot be identified from information readily available to the applicant, the applicant's obligation under subdivision (a) or (b) will be absolved if the data owner does not identify himself or herself to the applicant within 12 months after registration of the pesticide product. If within 12 months of registration, the data owner identifies himself or herself to the applicant and the applicant has not already made an irrevocable offer to pay to the data owner, or the applicant's source of product has not made an offer pursuant to subdivision (c), the applicant must do so promptly. In either event, the specific terms and amount of payments to be made shall be fixed by agreement between the applicant and the data owner, but determination of those amounts and terms shall not delay approval of the applicant's application.

If agreement cannot be reached about the terms and amount of payment required by this section at any time more than 90 days after issuance of an irrevocable offer to pay, either the applicant, source or data owner may initiate, or with the consent of all parties, join a proceeding under FIFRA, pursuant to regulations promulgated by the director pursuant to this statute. The purpose of this proceeding shall be to determine the amount due under this section. The director shall promulgate those regulations as emergency regulations within 60 days of the enactment of the bill that enacts this section. The regulations shall provide all of the following:



(1) Allow the proceeding authorized by this subdivision, upon mutual agreement of the parties, to be consolidated with dispute resolution under the federal Insecticide Fungicide and Rodenticide Act (7 U.S.C. Sec. 136, et.seq.).

(2) Require that the decisionmaker consider, among other factors, that the data owner's exclusive right to sell the pesticide resulted in the data owner recovering all or part of the costs of generating the data.

(3) Require that the parties to the proceeding share equally in the payment of the expenses thereof.

(e) If a data owner fails to participate in a procedure for reaching an agreement or in a proceeding as required by subdivision (d), or fails to comply with the terms of an agreement or decision conducted under subdivision (d), then that data owner forfeits his or her right to cost recovery as a result of the use of the data at issue.

(f) If the director finds that an applicant has failed to make an offer to pay as required under subdivision (a) or (b), or if its source of product has failed to make an offer pursuant to subdivision (c), or if an applicant or its source of product has failed to participate in a proceeding for reaching an agreement, or has refused to participate in a proceeding pursuant to subdivision (d), or has failed to comply with an agreement or to comply with an order, or to pay an award resulting from that proceeding, the director shall cancel the registration of the pesticide product in support of which the data was used in accordance with the provisions of subdivision (g), notwithstanding the provisions of Section 12825.

(g) If the applicant subject to subdivision (a) or (b) fails to comply with the provisions of this article, the data owner shall notify the director of the specific provision of noncompliance and provide proof of notification to the applicant of its claim of noncompliance. All parties shall have 30 days from the date of receipt of notification by the director to submit written evidence or arguments to the director regarding the claim and any defenses thereto. The director shall provide a written finding within 60 days of the deadline for submission as to the claim and the resulting consequences.

(h) No hearing or live testimony shall be conducted under subdivision (g) and this proceeding shall not be used as mechanism to prevent or delay the registration or payment for cost sharing as determined by this article. The finding of the director shall be final and conclusive, except that any party aggrieved by such a finding may seek review within 30 days of the finding pursuant to Section 1094.5 of the Code of Civil Procedure.

(i) In lieu of seeking a determination by the director and cancellation of the registration pursuant to subdivision (f), the data owner may bring an action in any California court of competent jurisdiction against the applicant to enforce the obligations of that party set forth in the provisions of this section.

(j) No cost sharing as provided in subdivisions (a), (b), and (c) shall be required to support an application for annual renewal of a pesticide product registration, provided this provision shall not authorize renewal of a product registered prior to the effective date of this section if that registration is declared to have been unlawfully issued by a court of competent jurisdiction.

(k) The Department of Pesticide Regulation shall make available in the public domain its index of data submitted in support of registration applications, the ownership of that data, and the date it was submitted to California.

SEC. 7. Section 12836.5 is added to the Food and Agricultural Code, to read:

12836.5. The director shall accept applications for registration of pesticide products containing a new active ingredient concurrently with the application to the United States Environmental Protection Agency. The application for registration must include all data and information that meet the requirements of this chapter.

SEC. 8. Section 12836.6 is added to the Food and Agricultural Code, to read:

12836.6. The director shall, with the assistance of the Legislative Analyst, conduct a study to consider more carefully the consequences of data-sharing agreements required under Sections 12011.5 and 12836.5 and the volume of high-hazard pesticides sold in California. The report shall be submitted to the Legislature no later than December 31, 2008.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



**BILL NUMBER: SB 13    CHAPTERED**  
**BILL TEXT**

CHAPTER 241  
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AMENDED IN ASSEMBLY JUNE 22, 2005  
AMENDED IN ASSEMBLY JUNE 9, 2005  
AMENDED IN SENATE APRIL 21, 2005  
AMENDED IN SENATE APRIL 13, 2005

INTRODUCED BY Senator Bowen

DECEMBER 6, 2004

An act to amend Section 1798.24 of the Civil Code, and Section 10850 of the Welfare and Institutions Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, Bowen Personal information.

The existing Information Practices Act of 1977 generally prohibits a state agency from disclosing any personal information in a manner that would link the information to the individual to whom it pertains unless the disclosure of the information is, among other things, to the University of California or a nonprofit educational institution conducting scientific research if specified confidentiality requirements are met.

This bill would revise the provision authorizing a state agency to disclose personal information to those institutions by permitting that disclosure only if the request is approved by the Committee for the Protection of Human Subjects for the California Health and Human Services Agency. The bill would also establish criteria for the review and approval of the request, as specified.

Existing law prohibits the disclosure of confidential information regarding applicants and recipients of public assistance benefits, with certain exceptions that include allowing the State Department of Social Services to make case records available for research purposes provided that the research will not result in the disclosure of the identity of applicants for or recipients of public social services.

This bill would allow the department to make these case records available provided that making them available will not result in disclosure of the identity of applicants for or recipients of public social services and will not disclose personal information in a manner that would link the information to the individual to whom it pertains, except as specified.

The bill would also make a statement of legislative intent regarding the protection of

personal information.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) It is the intent of the Legislature to protect personal information held in agency databases from being accessed for the purpose of committing identity theft and other crimes.

(b) The Legislature recognizes the research community has legitimate needs to access personal information to carry out research in certain cases, and the provisions of this bill are not intended to impede research but rather to require and set minimum standards for careful review and approval of requests for access to personal information held in agency databases and to require personal information to be removed before data is shared whenever possible.

SEC. 2. Section 1798.24 of the Civil Code is amended to read:

1798.24. No agency may disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the information is disclosed, as follows:

- (a) To the individual to whom the information pertains.
- (b) With the prior written voluntary consent of the individual to whom the record pertains, but only if that consent has been obtained not more than 30 days before the disclosure, or in the time limit agreed to by the individual in the written consent.
- (c) To the duly appointed guardian or conservator of the individual or a person representing the individual if it can be proven with reasonable certainty through the possession of agency forms, documents or correspondence that this person is the authorized representative of the individual to whom the information pertains.
- (d) To those officers, employees, attorneys, agents, or volunteers of the agency that has custody of the information if the disclosure is relevant and necessary in the ordinary course of the performance of their official duties and is related to the purpose for which the information was acquired.
- (e) To a person, or to another agency where the transfer is necessary for the transferee agency to perform its constitutional or statutory duties, and the use is compatible with a purpose for which the information was collected and the use or transfer is accounted for in accordance with Section 1798.25. With respect to information transferred from a law enforcement or regulatory agency, or information transferred to another law enforcement or regulatory agency, a use is compatible if the use of the information requested is needed in an investigation of unlawful activity under the jurisdiction of the requesting agency or for licensing, certification, or regulatory purposes by that agency.
- (f) To a governmental entity when required by state or federal law.
- (g) Pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).
- (h) To a person who has provided the agency with advance, adequate written assurance that the information will be used solely for statistical research or reporting purposes, but only if the information to be disclosed is in a form that will not identify any individual.

(i) Pursuant to a determination by the agency that maintains information that compelling circumstances exist that affect the health or safety of an individual, if upon the disclosure notification is transmitted to the individual to whom the information pertains at his or her last known address. Disclosure shall not be made if it is in conflict with other state or federal laws.

(j) To the State Archives as a record that has sufficient historical or other value to warrant its continued preservation by the California state government, or for evaluation by the Director of General Services or his or her designee to determine whether the record has further administrative, legal, or fiscal value.

(k) To any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, the agency reasonably attempts to notify the individual to whom the record pertains, and if the notification is not prohibited by law.

(l) To any person pursuant to a search warrant.

(m) Pursuant to Article 3 (commencing with Section 1800) of Chapter 1 of Division 2 of the Vehicle Code.

(n) For the sole purpose of verifying and paying government health care service claims made pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code.

(o) To a law enforcement or regulatory agency when required for an investigation of unlawful activity or for licensing, certification, or regulatory purposes, unless the disclosure is otherwise prohibited by law.

(p) To another person or governmental organization to the extent necessary to obtain information from the person or governmental organization as necessary for an investigation by the agency of a failure to comply with a specific state law that the agency is responsible for enforcing.

(q) To an adopted person and is limited to general background information pertaining to the adopted person's natural parents, provided that the information does not include or reveal the identity of the natural parents.

(r) To a child or a grandchild of an adopted person and disclosure is limited to medically necessary information pertaining to the adopted person's natural parents. However, the information, or the process for obtaining the information, shall not include or reveal the identity of the natural parents. The State Department of Social Services shall adopt regulations governing the release of information pursuant to this subdivision by July 1, 1985. The regulations shall require licensed adoption agencies to provide the same services provided by the department as established by this subdivision.

(s) To a committee of the Legislature or to a Member of the Legislature, or his or her staff when authorized in writing by the member, where the member has permission to obtain the information from the individual to whom it pertains or where the member provides reasonable assurance that he or she is acting on behalf of the individual.

(t) (1) To the University of California or a nonprofit educational institution conducting scientific research, provided the request for information is approved by the Committee for the Protection of Human Subjects (CPHS) for the California Health and Human Services Agency (CHHSA). The CPHS approval required under this subdivision shall include a review and determination that all the following criteria have been satisfied:

(A) The researcher has provided a plan sufficient to protect personal information from improper use and disclosures, including sufficient administrative, physical, and technical safeguards to protect personal information from reasonable anticipated threats to

the security or confidentiality of the information.

(B) The researcher has provided a sufficient plan to destroy or return all personal information as soon as it is no longer needed for the research project, unless the researcher has demonstrated an ongoing need for the personal information for the research project and has provided a long-term plan sufficient to protect the confidentiality of that information.

(C) The researcher has provided sufficient written assurances that the personal information will not be reused or disclosed to any other person or entity, or used in any manner, not approved in the research protocol, except as required by law or for authorized oversight of the research project.

(2) The CPHS shall, at a minimum, accomplish all of the following as part of its review and approval of the research project for the purpose of protecting personal information held in agency databases:

(A) Determine whether the requested personal information is needed to conduct the research.

(B) Permit access to personal information only if it is needed for the research project.

(C) Permit access only to the minimum necessary personal information needed for the research project.

(D) Require the assignment of unique subject codes that are not derived from personal information in lieu of social security numbers if the research can still be conducted without social security numbers.

(E) If feasible, and if cost, time, and technical expertise permit, require the agency to conduct a portion of the data processing for the researcher to minimize the release of personal information.

(3) Reasonable costs to the agency associated with the agency's process of protecting personal information under the conditions of CPHS approval may be billed to the researcher, including, but not limited to, the agency's costs for conducting a portion of the data processing for the researcher, removing personal information, encrypting or otherwise securing personal information, or assigning subject codes.

(4) This subdivision does not prohibit the CPHS from using its existing authority to enter into written agreements to enable other institutional review boards to approve projects or classes of projects for the CPHS, provided the data security requirements set forth in this subdivision are satisfied.

(u) To an insurer if authorized by Chapter 5 (commencing with Section 10900) of Division 4 of the Vehicle Code.

(v) Pursuant to Section 1909, 8009, or 18396 of the Financial Code.

This article shall not be construed to require the disclosure of personal information to the individual to whom the information pertains when that information may otherwise be withheld as set forth in Section 1798.40.

SEC. 3. Section 10850 of the Welfare and Institutions Code is amended to read:

10850. (a) Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of that program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the



administration of any such program. The disclosure of any information that identifies by name or address any applicant for or recipient of these grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b).

(b) Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the State Department of Social Services, and these lists or any other records shall be released when requested by any county welfare department or the State Department of Social Services. These lists or other records shall only be used for purposes directly connected with the administration of public social services. Except for those purposes, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient.

Any county welfare department and the State Department of Social Services shall provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services, including any committee or legislative body so authorized, with access to any public social service applications and records described in subdivision (a) to the extent of the authorization. Those committees, legislative bodies and other entities may only request or use these records for the purpose of investigating the administration of public social services, and shall not disclose the identity of any applicant or recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

However, this section shall not prohibit the furnishing of this information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating this subdivision is guilty of a misdemeanor.

Further, in the context of a petition for the appointment of a conservator for a person who is receiving or has received aid from a public agency, as indicated above, or in the context of a criminal prosecution for a violation of Section 368 of the Penal Code both of the following shall apply:

(1) An Adult Protective Services employee or Ombudsman may answer truthfully at any proceeding related to the petition or prosecution, when asked if he or she is aware of information that he or she believes is related to the legal mental capacity of that aid recipient or the need for a conservatorship for that aid recipient. If the Adult Protective Services employee or Ombudsman states that he or she is aware of such information, the court may order the Adult Protective Services employee or Ombudsman to testify about his or her observations and to disclose all relevant agency records.

(2) The court may order the Adult Protective Services employee or Ombudsman to testify about his or her observations and to disclose any relevant agency records if the court has other independent reason to believe that the Adult Protective Services employee or Ombudsman has information that would facilitate the resolution of the matter.

(c) The State Department of Social Services may make rules and regulations governing the custody, use, and preservation of all records, papers, files, and



communications pertaining to the administration of the laws relating to public social services under their jurisdiction. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or political subdivisions of the state, and may provide for giving information to or exchanging information with agencies, public or private, that are engaged in planning, providing, or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided that making these case records available will not result in the disclosure of the identity of applicants for or recipients of public social services and will not disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains, unless the department has complied with subdivision (t) of Section 1798.24 of the Civil Code.

(d) Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

(e) This section shall not be construed to prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act committed in a welfare department office, a criminal act against any county or state welfare worker, or any criminal act witnessed by any county or state welfare worker while involved in the administration of public social services at any location. Further, this section shall not be construed to prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act intentionally committed by the applicant or recipient against any off-duty county or state welfare worker in retaliation for an act performed in the course of the welfare worker's duty when the person committing the offense knows or reasonably should know that the victim is a state or county welfare worker. These criminal acts shall include only those that are in violation of state or local law. Disclosure of confidential information pursuant to this subdivision shall be limited to the applicant's or recipient's name, physical description, and address.

(f) The provisions of this section shall be operative only to the extent permitted by federal law and shall not apply to, but exclude, Chapter 7 (commencing with Section 14000) of this division, entitled "Basic Health Care", and for which a grant-in-aid is received by the state under Title XIX of the Social Security Act.

**BILL NUMBER: SB 77    CHAPTERED**  
**BILL TEXT**

CHAPTER 38  
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PASSED THE SENATE JULY 7, 2005  
PASSED THE ASSEMBLY JULY 7, 2005

INTRODUCED BY Committee on Budget and Fiscal Review

JANUARY 14, 2005

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Approved by Governor July 11, 2005. Filed with Secretary of State July 11, 2005. I object to the following appropriations contained in Senate Bill 77.

(Department of Pesticide Regulation)

3930-001-0106--For support of Department of Pesticide Regulation, payable from the Department of Pesticide Regulation Fund . . . 41,842,000

Schedule:

(1) 12-Registration and Health Evaluation . . .	18,117,000
(2) 17-Pest Management, Environmental Monitoring, Enforcement, and Licensing . . .	27,159,000
(3) 20.01-Administration . . .	8,234,000
(4) 20.02-Distributed Administration . . .	-8,234,000
(5) Reimbursements . . .	-479,000
(6) Amount payable from the California Environmental License Plate Fund (Item 3930-001-0140) . . .	-455,000
(7) Amount payable from the Food Safety Account (Item 3930-001-0224) . . .	-306,000
(8) Amount payable from the Federal Trust Fund (Item 3930-001-0890). . .	-2,194,000

Provisions:

1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.

3930-001-0140--For support of Department of Pesticide Regulation,

## 2005 DPR Legislative Summary

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for payment to Item 3930-001-0106, payable from the California Environmental License Plate Fund . . .	455,000
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3930-001-0224--For support of Department of Pesticide Regulation, for payment to Item 3930-001-0106, payable from the Food Safety Account . . .	306,000
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### Provisions:

1. The amount appropriated in this item includes revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.

3930-001-0890--For support of Department of Pesticide Regulation, for payment to Item 3930-001-0106, payable from the Federal Trust Fund .. .	2,194,000
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3930-003-0106--For transfer by the Controller from the Department of Pesticide Regulation Fund to the Food Safety Account pursuant to Section 12846.5 of the Food and Agricultural Code . . .	(320,000)
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**Governor's Signing Message**





GOVERNOR ARNOLD SCHWARZENEGGER

OCT 06 2005

To the Members of the California State Assembly:

I am signing Assembly Bill 1011 which closes a loophole in collection of the funding of the pesticide mill assessment and streamlines the product registration process by eliminating the "letter of authorization."

This bill was subject to lengthy and complex negotiations that resulted in the settlement of several issues including the need for a dispute resolution process that was agreed upon by the stakeholders and the Department of Pesticide Regulation. Additionally, it resulted in the directive for the department to conduct a study to consider more carefully the environmental consequences of data sharing agreements on the volume of pesticides sold in California. I direct the Department to include these additional elements of the agreement when it implements the provisions of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger

### **Section III – 2005 Vetoed Legislation: Summary**

The following bills were tracked by DPR during the 2005 legislative session, passed by the Legislature, and sent to the Governor's desk. The following information provides a summary of those bills tracked by DPR as having potential to impact the pesticide regulatory program, which were ultimately vetoed by Governor Schwarzenegger.





**SB 455 (Escutia) Pest Control: violations**

Vetoed by the Governor

Existing law generally regulates pest control and provides that the Attorney General may bring an action for civil penalties against any person who violates these provisions, as specified, or any regulation issued pursuant to them. However, in lieu of civil prosecution, the Director of Pesticide Regulation may levy a civil penalty of not more than \$1,000, or \$5,000, for each violation as specified. The county agricultural commissioner or the director may bring an action to enjoin the violation or the threatened violation of any order made pursuant to these provisions.

This bill would require that initiation and completion of human illness investigations in connection with these provisions take no longer than 60 days. This bill would require that regulations be adopted that require that an enforcement action be taken for any violation of specified provisions, including those related to a failure to protect people, animals, and the environment from pesticide contamination. This bill would provide that violation of a cease and desist order, as specified, shall constitute a serious and separate offense per aggrieved individual. This bill would define aggrieved individual for the purpose of these provisions, and would provide an aggrieved individual the right to be notified of a proposed action, and to appeal the decision if the notice states that no fine will be imposed.

This bill would make other clarifying changes.

Because this bill would increase the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

**SB 600 (Ortiz) Biomonitoring**

Vetoed by the Governor

Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination.

This bill would require the Division of Environmental and Occupational Disease Control within the department to establish the Healthy Californians Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians.

This bill would require the department and the agency to establish an advisory panel to assist the department and the agency. The bill would establish the Healthy Californians Biomonitoring Fund for deposit of funds, for expenditure by the department and agency upon appropriation by the Legislature, for the biomonitoring program. The

bill would require the department to provide public access to information, and to report to the Legislature and the public.

**Governor's Veto Messages**



GOVERNOR ARNOLD SCHWARZENEGGER

OCT 07 2005.

To the Members of the California State Senate:

I am returning Senate Bill 455 without my signature.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and the environment. Last year I signed Senate Bill 391 which helped ensure victims and farm workers impacted by pesticide drift are properly cared for and it expanded penalties and liability.

Early in my Administration, I directed the California Environmental Protection Agency to develop an environmental action plan where one of the top priorities is strong enforcement of environmental protection laws. After finding inconsistent enforcement of some of its laws by local Commissioners, the Department of Pesticide Regulation worked with stakeholders and enforcement officers to develop and adopt as guidelines their 2005 Enforcement Response Policy (ERP).

Senate Bill 455 justly recognizes the need for a consistent and timely strategy for enforcement of pesticide laws. While I concur with the intended goals of this proposal, the recently adopted ERP makes this bill largely unnecessary. By requiring minimum mandatory penalties for "exposure" rather than "harm," which was agreed to in Senate Bill 391, this bill drastically expands liability and restricts enforcement officer discretion. This expansion will create litigation over its interpretation and uncertainty over its scope that could adversely impact the farm workers, the regulated community, our enforcement officers, and the Department.

The ERP will greatly strengthen enforcement and provide statewide consistency of our pesticide laws. Therefore, I direct the Department of Pesticide Regulation to initiate the process of putting the 2005 Enforcement Response Policy into regulation in an expedited process.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger



GOVERNOR ARNOLD SCHWARZENEGGER

OCT 07 2005

To the Members of the California State Senate:

I am returning Senate Bill 600 without my signature.

I care deeply about the health and welfare of all Californians. Science based research is essential to better understand how the three main factors: behavior, environment, and genetics, interact to influence our health.

While the intent of this measure is worthy, this bill does nothing more than require a study, and a flawed one at that. The bill will only provide a partial snapshot of chemicals present in tested participants without proper context of what the presence of specific chemical means or how it interacts with other health factors. In response, Californians may take an action that is adverse to their health and the health of their family based on incomplete information. For example, despite the facts that health experts extol the virtue and benefits of breast feeding, a new mom may choose not to breastfeed her infant for fear that a small amount of chemicals in her body may transfer to the child, depriving the infant of nutrients, disease preventing antibodies, and a reduced risk of obesity.

Any biomonitoring program must be built on a sound scientific foundation in order to provide information that can be further evaluated to direct additional research. If the program is flawed in any manner, the resources we direct towards it would essentially be wasted.

Because a properly constructed biomonitoring program could yield useful data for researchers, I am directing my Secretaries of Health and Human Services and California Environmental Protection Agencies, working with our University and academic institutions, to develop a comprehensive approach to the laudable goals of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger



**Section IV: 2005 Legislation:  
Failed, Died, or Withdrawn**

The following bills were tracked by DPR during the 2005 legislative session as having potential to impact California's pesticide regulatory program. The following bills did not pass out of the Legislature. The bills either failed passage out of committee, died" due to failure to meet legislative deadline requirements, or were withdrawn by the bill's author.





**AB 87 (Bermudez) Trapping licenses: exemptions**

Senate Inactive File on motion of Senator Machado

Existing law requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission or who sells the raw furs of those mammals, to procure a trapping license from the Department of Fish and Game. This bill would exempt a structural pest control operator licensed by the Structural Pest Control Board and a person or business licensed or certified by the Department of Pesticide Regulation from the licensing requirement for trapping mammals upon the adoption and implementation of regulations by the Structural Pest Control Board, as specified. This bill contains other related provisions and other existing laws.

**AB 289 (Chan) Chemicals: high-volume and reportable: testing methods**

To inactive file on motion of Assembly Member Chan

Existing law required the California Environmental Protection Agency to initiate a scientific peer review of screening levels for certain contaminants and to complete the process by December 31, 2004. The agency was required to publish, by March 1, 2004, a list of screening numbers determined for specified contaminants, and to conduct public workshops in establishing and revising those levels. This bill would require each manufacturer of a high production volume chemical or a reportable chemical, as defined, for each high production volume chemical and reportable chemical imported into, or offered for sale in, this state by the manufacturer, to provide the San Diego Supercomputer Center of the University of California with analytical test methods, including metabolites and degradation products that are biologically relevant, the octanol-water partition coefficient, and the bioconcentration factor for humans, as defined, for that chemical. Each manufacturer would be required to provide this information according to a specified schedule depending upon certain chemical characteristics. This bill contains other related provisions.

**AB 528 (Frommer) civil actions: Public Health and Environmental Enforcement Law of 2005**

Inactive file on motion of Assembly Member Frommer

Existing law generally defines "nuisance" as anything that is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway. Under existing law, the remedies for nuisances are indictment or information, civil action, or abatement, as specified. A public nuisance, as defined, may be abated by any public body or officer authorized by law, or a private person if it is specially injurious to him or her. This bill would authorize any person with a beneficial interest in the outcome to commence a civil action against any person, except as specified, to enforce specified laws, including regulations, permits,

and orders issued pursuant to those laws, that provide for the protection or enhancement of public health or the environment. The bill would create the Public Health and Environmental Enforcement Fund, into which civil penalties awarded for these actions would be deposited for allocation, upon appropriation, to the state or local entity , as defined, with the principal authority to enforce the statute under which the action was commenced for environmental enforcement or restoration of the environment in the most reasonable proximate vicinity of where the violation occurred.

**AB 552 (La Suer) Structural Pest Control**

ASM 2 YEAR In committee: Set, first hearing. Hearing canceled at the request of author.

Under existing law, the Structural Pest Control Board licenses and regulates persons engaged in structural pest control. Existing law requires the county agricultural commissioner to be the lead agency for inspections and routine investigations of pesticide use. This bill would make a nonsubstantive change to these provisions. This bill contains other related provisions and other existing laws.

**AB 775 (Yee) Interpreters: prohibitions on use of children**

Senate 2-Year Bill. In committee: Set, first hearing. Hearing canceled at the request of author.

Existing law requires, or, in some instances, permits, the use of translators or interpreters by various agencies, organizations, or entities for non-English-speaking or deaf persons in connection with various functions. This bill would prohibit any state or local governmental agency, or any public or private agency, organization, entity, or program that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any hospital, clinic, or physician office in the context of diagnosis or treatment, except as specified. The bill would require each such agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined, in this manner. This bill contains other related provisions and other existing laws.

**AB 1059 (Matthews) Pesticide Registration**

Senate 2-Year. Re-referred to Committee on Environmental Quality

Existing law requires every manufacturer of, importer of, or dealer in any pesticide to obtain a certificate of registration from the Department of Pesticide Regulation before the pesticide is offered for sale. Existing law provides that data previously submitted to the Director of Pesticide Regulation or to the Administrator of the United States Environmental Protection Agency to support an application for the registration of a pesticide shall not be used without permission to support an application by another person. This bill would repeal these provisions and instead provide that the director may rely upon any evaluations of previously submitted data with respect to an application for registration if certain criteria are met including that the applicant either obtain written permission from the owner to rely on the data or irrevocably offer to pay

the owner a share of the cost of producing the data, as specified. This bill would provide that the specific terms and amount of payment shall be fixed by agreement between the applicant and the owner but shall not delay approval of the applicant's application. This bill would provide that if agreement cannot be reached by the parties, either party may initiate binding arbitration, as specified. This bill would provide that if the owner cannot be identified, the applicant will be absolved of his or her obligation to pay if the owner does not identify himself or herself within 12 months after registration of the pesticide product. This bill contains other related provisions.

**AB 1291 (Pavley) Consumer products: state-certified logo.**

Assembly 2-Year. In committee: Set, second hearing. Hearing canceled at the request of author.

Existing law, the California Hazardous Substances Act , requires the State Department of Health Services to regulate the manufacture, sale, labeling, and advertising activities related to consumer products containing hazardous substances . This bill would require the California Environmental Protection Agency to, by January 1, 2007, design a state-certified logo that could be affixed to consumer products that do not contain, produce, or emit, certain substances , as specified, or that for which the Office of Environmental Health Hazard Assessment issues a certificate of compliance that the substance, if present in the product, will not harm the health or development of a developing fetus, infants, or child. This bill contains other related provisions.

**AB 1684 (Klehs) Pesticide mill assessment**

Assembly 2-Year Bill.

Existing law provides that it is unlawful for a person to sell for use in this state any pesticide products that have been registered by the Director of Pesticide Regulation for which the mill assessment, as specified, has not been paid. Existing law provides that the assessment shall be paid by the registrant of the pesticide, unless the registrant did not first sell the pesticide for use in this state, as specified, in which case the assessment shall be paid by the licensed pesticide broker, licensed pest control dealer, or other person who first sold the pesticide for use in this state. This bill would recast these provisions to provide that the assessment would be paid by the person who sells the pesticide at retail for use in this state.

**SB 369 (Simitian) Ecological labeling**

Senate 2-Year bill. Set, first hearing. Held in committee and under submission

Existing law provides labeling requirements for various products, including, but not limited to, prohibiting a person from selling a plastic bag that is labeled as "biodegradable," "compostable," "degradable," or as otherwise specified, unless, at the time of the sale, the plastic bag meets a current ASTM standard specification for the term used on the label. This bill would require the California Environmental Protection Agency to enter into a contract, using a competitive bid process, with a vendor that meets specified standards , to award the Green Bear Eco-Label to a product or service that meets criteria to be developed and adopted by the vendor. The bill would set minimum standards, as specified, that a product must meet in

order to be awarded with a label. This bill contains other related provisions.

**SB 509 (Florez) Pesticide: notification**

Senate 2-Year. Testimony taken. Hearing postponed by committee.  
(Refers to 4/19/2005 hearing)

Existing law provides that pesticide applications on public property that take place on school grounds, parks, or other public rights-of-way where public exposure is foreseeable shall be posted with signs in English and Spanish that contain a warning that the area has been treated with a pesticide and that individuals are not to enter the area. Existing law provides that a local health officer may request assistance by the State Department of Health Services to conduct an epidemiologic investigation of serious pesticide poisoning, an outbreak in pesticide poisoning, or any disease or condition caused by pesticide poisoning. This bill would require the county agricultural commissioner of a county in which property on which any aerial pesticide application is to occur is located, to provide written notification, as specified, to all individuals who are at-risk of coming into contact with that pesticide at locations within one mile from the application site. This bill would require the notification to be received at least 24 hours before the application, and to include contact information for the applicator and a description of the pesticide being applied. This bill would also require county agricultural commissioners to work with the Office of Environmental Health Hazard Assessment to minimize pesticide contact by members of the public and avoid the use of particularly deleterious pesticides when possible. This bill contains other related provisions and other existing laws.

**SB 646 (Kuehl) Water discharge requirements: waivers**

Assembly Third Reading. Read third time. Refused passage. Motion to reconsider on next legislative day made by Assembly Member Laird.

Existing law, the Porter-Cologne Water Quality Control Act, authorizes the State Water Resources Control Board and a California regional water quality control board to waive certain waste discharge requirements as to a specific discharge or type of discharge if the state board or the regional board makes a specified determination. The act authorizes the state board or a regional board to include as a condition of the waiver the payment of an annual fee. This bill would require the conditions of a waiver to include submission to the regional board of an appropriate notice of intent to obtain coverage of a waiver that includes specified information. The bill would require the monitoring information collected pursuant to the waiver program to be provided to the state board and the appropriate regional board and to be made available to the public, as specified. This bill contains other related provisions.

**SB 773 (Cox) Groundwater aquifers: injection wells**

Senate 2-Year Bill. Set, second hearing. Hearing canceled at the request of author.

The Toxic Injection Well Control Act of 1985 exempts from its provisions the use of injection wells for certain purposes. This bill would also exempt any injection well used to inject drinking water, as defined. This bill contains other related provisions and other

existing laws.

**SB 879 (Escutia) Pest control: violations**

Assembly Rules. Referred to the Committee on Rules.

Existing law generally regulates pest control and provides that the Attorney General may bring an action for civil penalties against any person who violates these provisions, as specified, or any regulation issued pursuant to them, however, in lieu of civil prosecution, the Director of Pesticide Regulation may levy a civil penalty of not more than \$1,000, or \$5,000, for each violation as specified. The county agricultural commissioner or the director may bring an action to enjoin the violation or the threatened violation of any order made pursuant to these provisions. This bill would require that initiation and completion of human illness investigations in connection with these provisions take no longer than 60 days. This bill would require that civil penalties be levied for any violation that creates an actual health or environmental hazard or harm, or for a failure to comply with provisions specifying requirements for protecting people, animals, and property, as specified. This bill would provide that violation of a cease and desist order, as specified, shall constitute a serious and separate offense per aggrieved individual. This bill would define aggrieved individual for the purpose of these provisions, and would provide an aggrieved individual the right to be notified of a proposed action, and to appeal the decision if the notice states that no fine will be imposed. This bill contains other related provisions and other existing laws.

**SB 1070 (Kehoe) Water quality information**

Senate Inactive File. Placed on inactive file on motion of Senator Kehoe.

Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board, in conjunction with the California regional water quality control boards, to implement a public information program on matters involving water quality and to maintain an information file on water quality research and other pertinent matters. This bill would require the state board to place on its Web site a public information file on water quality research, standards, regulation, enforcement, and other pertinent matters, as prescribed. This bill contains other related provisions and other existing laws.





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